



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/173549

PRELIMINARY RECITALS

Pursuant to a petition filed April 08, 2016, under Wis. Stat. § 49.45(5)(a), to review a decision by the Sheboygan County Department of Human Services in regard to Medical Assistance (MA), a hearing was held on May 12, 2016, at Sheboygan, Wisconsin.

There is no longer any issue for determination by the Division of Hearings and Appeals.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED] Economic Support Supervisor
Sheboygan County Department of Human Services
3620 Wilgus Ave.
Sheboygan, WI 53081

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

DISCUSSION

The Petitioner filed an appeal to contest the denial of his application for/renewal of BadgerCare+ benefits. At the hearing, Ms. [REDACTED] indicated that upon review of the case, she determined that the agency had not given the Petitioner adequate time to produce verification of whether he received or was entitled to social security income, based upon his date of application. The agency agreed to re-run Petitioner's application to determine his eligibility for BadgerCare+ benefits, effective the date of his application/renewal.

The Petitioner indicated that this resolved his appeal issue. As such, this appeal will be dismissed. If I have misunderstood the situation, Petitioner is directed to the rehearing instructions below.

Petitioner is reminded that if he disagrees with the agency's new determination that he must file a NEW request for fair hearing.

As a side note to the agency, BadgerCare+ Eligibility Handbook (BEH) §9.8 states that, "the IM worker must use all available data exchanges to verify information rather than requiring the applicant to provide it, unless the information from the data source is not reasonably compatible with what the applicant or member has reported..."

There is a data exchange with the Social Security Administration. As such, the IM should be using that data exchange to determine whether an individual is eligible for Social Security, the amount to which he or she is entitled and whether the individual is actually receiving Social Security Income. Indeed, there are several factors in addition to age that affect not only eligibility for Social Security Benefits, but the benefit amount, such that verification really does need to come from the Social Security Administration. See <https://www.ssa.gov/planners/benefitcalculators.html>

In addition, BEH §16.1.3 states that the availability of income does not affect whether the income is counted. That section further states that if a person is eligible for a benefit, such as unemployment compensation, but not receiving it, the income is only counted if the amount of the benefit is known. "If the amount is unknown, ignore it." Id.

CONCLUSIONS OF LAW

There is no issue for determination by the Division of Hearings and Appeals because the agency has reversed the denial of Petitioner's application and agreed to re-determine his eligibility.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of

Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 13th day of May, 2016.

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on May 13, 2016.

Sheboygan County Department of Human Services
Division of Health Care Access and Accountability